

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 45

HOUSE BILL 2236

AN ACT

AMENDING SECTIONS 11-263, 11-354, 11-356 AND 11-413, ARIZONA REVISED
STATUTES; REPEALING SECTION 11-413.01, ARIZONA REVISED STATUTES; RELATING TO
COUNTY MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-263, Arizona Revised Statutes, is amended to read:

11-263. Authorization to procure insurance for county employees and dependents; expenditure of public funds; employee payments; retired county employees; group health and accident coverage

A. The board of supervisors may adopt a system of insurance for the benefit of county elected officials and employees. The board may procure health, life, accident and disability insurance for the benefit of ~~such~~ THESE elected officials and employees from any insurer licensed to do business in ~~the~~ THIS state of ~~Arizona~~ and pay the whole or any part of the premiums ~~upon~~ ~~such~~ ON THE insurance from public funds. Public funds shall not be spent for life insurance in excess of fifty thousand dollars or the amount of the salary annually paid to the elected official or employee, whichever is more. The board may procure health and accident coverage for the dependents of ~~such~~ THE elected officials and employees and pay all or any part of the premium ~~upon~~ ON the insurance from public funds. The board may deduct from the compensation of ~~such~~ THE employees and elected officials, and apply to the payment of ~~such~~ THE premiums, that part ~~thereof~~ OF THE PREMIUMS determined by the board to be payable by the employees and elected officials. ~~Such~~ THE deductions shall be made only from those employees and elected officials who have voluntarily agreed in writing to participate in the program.

B. The board of supervisors may enter into agreements to establish group health and accident coverage for former county employees who are retired and receiving income from a retirement program of this state and their dependents. The agreements may provide that all or any portion of the former employees or their dependents may be grouped with officers and employees of the county or their dependents as necessary to obtain health and accident coverage at favorable rates.

C. The ARIZONA state retirement system board ~~is authorized to~~ MAY enter into agreements with retired county employees who elect to obtain the coverage provided in subsection B. ~~Such~~ THE agreements may include provision for the deduction from the retirement benefits of participants of a retirement program of this state who elect to obtain ~~such~~ THE coverage of amounts sufficient to pay for the premium and administrative expense of providing ~~such~~ THE coverage.

D. Public funds OF THIS STATE shall not be expended to pay all or any part of the premium of insurance pursuant to subsection B, except that ~~in a county with a population of more than three hundred thousand persons, public funds may be expended~~ A COUNTY MAY EXPEND ITS PUBLIC FUNDS to pay all or any part of the premium of insurance pursuant to subsection B.

1 Sec. 2. Section 11-354, Arizona Revised Statutes, is amended to read:

2 11-354. Powers and duties of the commission

3 A. The commission shall perform ~~such~~ THOSE duties and exercise ~~such~~
4 THOSE powers ~~as~~ THAT are necessary to carry out the ~~provisions~~ of this
5 article.

6 B. THE COMMISSION MAY APPOINT HEARING OFFICERS TO CONDUCT HEARINGS ON
7 BEHALF OF THE COMMISSION.

8 Sec. 3. Section 11-356, Arizona Revised Statutes, is amended to read:

9 11-356. Dismissal, suspension or reduction in rank of
10 employees; appeals; hearings

11 A. Any officer or employee in the classified civil service may be
12 dismissed, suspended or reduced in rank or compensation by the appointing
13 authority after appointment or promotion is complete only by written order,
14 stating specifically the reasons for the action. The order shall be filed
15 with the clerk of the board of supervisors and a copy thereof shall be
16 furnished to the person to be dismissed, suspended or reduced.

17 B. The officer or employee, ~~may~~ within ten days after presentation to
18 him of the order, MAY appeal ~~from~~ the order through the clerk of the
19 commission. ~~Upon~~ ON the filing of the appeal, the clerk OF THE COMMISSION
20 shall ~~forthwith~~ IMMEDIATELY transmit the order and appeal to the commission
21 for A hearing.

22 C. ~~Within twenty days from the filing of the appeal, the commission~~
23 ~~shall commence the hearing and either affirm, modify or revoke the~~ AFTER
24 RECEIVING THE ORDER AND APPEAL, THE COMMISSION SHALL SET A DATE FOR A HEARING
25 OF THE APPEAL. The appellant may appear personally, produce evidence, have
26 counsel and, if requested by the appellant, REQUEST a public hearing.

27 D. THE COMMISSION MAY APPOINT A HEARING OFFICER TO CONDUCT THE HEARING
28 AND TAKE EVIDENCE ON BEHALF OF THE COMMISSION. IF A HEARING OFFICER IS
29 APPOINTED TO CONDUCT THE HEARING, ON CONCLUSION OF THE HEARING THE HEARING
30 OFFICER SHALL SUBMIT PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND A
31 RECOMMENDATION TO THE COMMISSION.

32 E. IN ANY APPEAL OF A DISMISSAL, SUSPENSION OR REDUCTION IN RANK IN
33 WHICH A SINGLE HEARING OFFICER HAS BEEN APPOINTED TO CONDUCT THE APPEAL
34 HEARING, THE OFFICER OR EMPLOYEE OR THE EMPLOYER MAY REQUEST A CHANGE OF
35 HEARING OFFICER. ON THE FIRST REQUEST OF A PARTY, THE COMMISSION SHALL GRANT
36 THE REQUEST. THE COMMISSION MAY GRANT ALL OTHER REQUESTS ONLY ON A SHOWING
37 THAT A FAIR AND IMPARTIAL HEARING CANNOT BE OBTAINED DUE TO THE PREJUDICE OF
38 THE ASSIGNED HEARING OFFICER. THE CHAIRPERSON OF THE COMMISSION SHALL DECIDE
39 WHETHER A SUFFICIENT SHOWING OF PREJUDICE HAS BEEN MADE.

40 F. FOLLOWING THE HEARING, OR IF A HEARING OFFICER HAS BEEN APPOINTED,
41 FOLLOWING RECEIPT OF THE HEARING OFFICER'S PROPOSED FINDINGS OF FACT,
42 CONCLUSIONS OF LAW AND RECOMMENDATION, THE COMMISSION SHALL EITHER AFFIRM,
43 MODIFY OR REVOKE THE ORDER.

1 ~~D.~~ G. The findings and decision of the commission shall be final,
2 and shall be subject to administrative review as provided in title 12,
3 chapter 7, article 6.

4 Sec. 4. Section 11-413, Arizona Revised Statutes, is amended to read:

5 11-413. County offices; business periods

6 A. Every county officer ~~in counties of the first and second class,~~
7 except the sheriff, shall, ~~except on legal holidays, keep his office open for~~
8 ~~the transaction of business from nine o'clock a.m. to five o'clock p.m. each~~
9 ~~day from Monday through Friday, and from nine o'clock a.m. to one o'clock~~
10 ~~p.m. on Saturday~~ KEEP THE OFFICER'S OFFICE OPEN FOR NOT LESS THAN FORTY HOURS
11 EACH WEEK OR NOT LESS THAN THIRTY-TWO HOURS EACH WEEK IF THE WEEK CONTAINS A
12 DAY THAT IS A LEGAL HOLIDAY. NOTWITHSTANDING SECTION 1-301, FOR THE PURPOSES
13 OF OPENING COUNTY OFFICES FOR THE TRANSACTION OF BUSINESS, THE BOARD OF
14 SUPERVISORS OF ANY COUNTY BY RESOLUTION MAY DESIGNATE THE FOURTH FRIDAY IN
15 NOVEMBER AS A LEGAL HOLIDAY IN PLACE OF THE SECOND MONDAY IN OCTOBER. IF THE
16 BOARD OF SUPERVISORS MAKES SUCH A DESIGNATION, EVERY COUNTY OFFICER, EXCEPT
17 THE SHERIFF, SHALL KEEP THE OFFICER'S OFFICE OPEN FOR NOT LESS THAN
18 TWENTY-FOUR HOURS FOR THAT NOVEMBER WEEK.

19 B. The criminal division of the sheriff's office shall be open at all
20 times.

21 ~~C. In counties of the third class, every county officer shall, except~~
22 ~~on legal holidays, keep his office open for the transaction of business from~~
23 ~~nine o'clock a.m. to twelve o'clock noon, and from one o'clock p.m. to five~~
24 ~~o'clock p.m. each day from Monday through Friday, and from nine o'clock a.m.~~
25 ~~to one o'clock p.m. on Saturday.~~

26 Sec. 5. Repeal

27 Section 11-413.01, Arizona Revised Statutes, is repealed.

28 Sec. 6. Emergency

29 This act is an emergency measure that is necessary to preserve the
30 public peace, health or safety and is operative immediately as provided by
31 law.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.